



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

RSB
F. #2023R00300

*271 Cadman Plaza East
Brooklyn, New York 11201*

June 27, 2024

By Email and ECF

Sean Haran
Walden Macht & Haran LLP
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Ste 27th Floor
New York, NY 10281
Phone: 212-335-2030
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Re: United States v. Tony Terry
Criminal Docket No. 24-CR-244 (DLI)

Dear Mr. Haran:

Enclosed please find discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. The Defendant's Criminal History

Records pertaining to the defendant's criminal history, Bates stamped TT000113-TT000152.

B. Documents and Tangible Objects

- New York City Police Department photographs of firearms sold by co-conspirator dated December 6, 2022 Bates stamped TT009851-TT009853.
- New York City Police Department invoices and Police Laboratory reports dated December 6, 2022 Bates stamped TT009854-TT009857.
- Audiovisual recordings of gun transactions from December 6, 2022, Bates stamped SDM_ TT009858-SDM_ TT009859. These recordings are

designated as Sensitive Discovery Material pursuant to the Protective Order, accordingly the defendant is prohibited from having possession, custody, or control of the sensitive discovery material, except to the extent necessary for the defendant to review the sensitive discovery material in the presence of defense counsel or defense counsel staff. See Protective Order, at ¶ 2.

- Records obtained from Verizon, related to phone number 347-885-4156 Bates stamped SDM_TT000153- SDM_TT000289, which is designated as Sensitive Discovery Material pursuant to the Protective Order.
- Records obtained from AT&T related to phone number 640-777-4075 Bates stamped TT000290-TT007400. Records obtained from AT&T related to phone number 640-777-4075 including cell site data Bates stamped TT007401-TT009636. Bates stamped TT009628 is cell site mapping related to phone number 640-777-4075.
- Screenshots of messages taken from co-conspirator's cell phone, Bates stamped SDM_TT009637-TT009641 between defendant and co-conspirator, and a cell phone extraction report of messages between defendant and co-conspirator, Bates stamped SDM_TT000001-SDM_TT000112, which is designated as Sensitive Discovery Material pursuant to the Protective Order.
- Screenshots of messages taken from UC's cell phone, Bates stamped SDM_TT009654-TT009657, and a cell phone extraction report of messages between co-conspirator and UC, Bates stamped SDM_TT009658-SDM_TT009801, which are designated as Sensitive Discovery Material pursuant to the Protective Order. See Protective Order, at ¶ 2.
- Business Records from Apple related to defendant and co-conspirator accounts, Bates stamped SDM_TT009642-SDM_TT009653, which are designated as Sensitive Discovery Material pursuant to the Protective Order.
- Business Records from JetBlue airline, Bates stamped TT009860-TT009862.
- Interstate Nexus Report, Bates stamped TT009863-TT009866.
- Purchase receipts of firearms purchased in Georgia, Bates stamped TT009867-TT009873.
- Firearms Transaction Records ("4473"s) related to gun purchases in Georgia, Bates stamped SDM_TT009802- SDM_TT009850.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

C. Reports of Examinations and Tests

See above for NYPD Laboratory reports dated December 6, 2022 Bates stamped TT009856-TT009857.

The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

D. Brady Material

The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

E. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of

the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

IV. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a "formal offer" or a "plea offer," as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Raffaella S. Belizaire
Raffaella S. Belizaire
Assistant U.S. Attorney
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Enclosures

cc: Clerk of the Court (DLI) (by ECF) (without enclosures)